

B. REMARKS (COMMENTS)**A. AMENDMENTS AND SPECIFICATION AND DRAWINGS**

No amendments have been requested as the drawings, or specification pursuant to the parameters of 35 U.S.C 112, etc.

B. CONTENTION THAT CLAIMS 1 through 9 ARE A DUPLICATE OF ONE ANOTHER (OR SUBSTANTIAL DUPLICATES)

Applicant maintains that claims 1, 2, 3, 4, 5, 6, 7, 8 and 9 are worded differently and do not duplicate one another. Indeed, a review of the claim express different approaches (as the writing in each claim expresses a different approach). Granted that some of the claims comprise language that is somewhat similar to one another, the claims do differ to some limited degree. Claims 1 through 5 appear similar at first glance, however it is noted that certain claims have numerical rating data versus non numerical or not so or addditional and different steps degree, or added steps. It is clear however that Applicant has entered amendments to claims 1, 2, 3, 4, 5, 6, 7, 8 and 9 which not only differentiate over the prior cited (but which also result in additional differentiation between the individual claims.

C. AMENDMENTS TO CLAIMS UNDER 35 U.S.C. 112

Applicant has amended claims 1, 2, 3, 4, 5, 6, 7, 8 and 9 pursuant to the provisions of U.S.C. 112. Claims 1, 2, 3, 4, 5, 6, 7, 8 and 9 have each been amended in specific and different particulars so that each claim is now considered significantly different from each other. (See newly amended claims 1, 2, 3, 4, 5, 6, 7, 8 and 9).

All claims as amended demonstrate particularly in connection with a computer based system using computer processing of data.

D. REJECTION UNDER 35 U.S.C. 102

A. The examiner has rejected claims 1, 2, 3, 4, 5, 6, 7, 8 and 9 based on the published application of Elliot, (U.S. 2003-0065563A1). The Examiner refers to the following section of Elliot's application:

The identification module 354 operates to identify the person using the ATM 350 based upon information entered into the ATM 350. The consumer information database 358 contains general biographical, personal and historical information about users, their interests and past spending history. Typical information includes, but is not limited to demographic data, such as age, income, marital status, and number of children, promotional history data, such as previous promotions presented to the client; and behavioral data, such as account balances, number of products and services purchased in the past, and length of time as a client.

and

The marketing module 362 determines which promotional offers messages, and/or advertisements to display to the user on the ATM 350. Each user is assigned a particular number, rule, group, segment, score, category, or class (collectively referred to as a "score") which identifies particular messages, advertisements, and promotional offers based on the information in the consumer information database 358. This process is referred to as "target marketing," by customizing information resented to the ATM user, and provides an effective and efficient technique to sell products and services and increase customer satisfaction. The score can be pre-assigned and stored in memory, for example, when the account owner applies to open the account. Alternatively, the score can be dynamically calculated (using the network 310 or other suitable means) each time the user accesses the ATM 350 the gateway server 314 prompts the application server 322 to electronically poll the modules to access the information necessary to evaluate the applicant. The scores are developed for the ATM user, and the advertisement or promotional offer is then selected for that user based on the score. The advantage of calculating the score each time the user accesses the ATM 350 is that updated information is taken into account more frequently. Alternatively, the score can be

recalculated only periodically, for example once every three months, or once every twenty times the user accesses the ATM 350. This would reduce processing required of the network 310.

Further, the Elliot reference patent does not disclose the use of means to achieve an overall rating by any proper mathematical or algogrammistic methodology. Elliot only incidentally refers to a score, but does not in any way detail how the score is achieved. This later aspect is not the intended focus of Elliot. As to the 35 U.S.C. 102 rejection, attention is drawn to the following additional language in the specification of Elliot.

The scoring model module 44 includes software that takes either some all of the data acquired by the application server 22 and the modules 26, 30, 34, 38 and 42 connected hereto and provides a score or scores for each applicant based on an algorithm that defines a risk model. Preferably, the algorithm is a logistic regression algorithm that generates a score for each applicant which score predicts the likelihood that the applicant will be an account abuse. While various risk models or algorithms might be appropriate for use with the network 10, the algorithm of the preferred embodiment generates a score ranging between 90 (indicating that there is little risk to the financial institution) and 100 (indicating that there is a high risk to the financial institution). The risk model focuses on past and present account abuse. Specifically those applicants whose scores are in approximately the lowest twenty (20) percent of the score range (i.e., approximately between 100 and 260) tend to have more unpaid NSF items on file with major retailers have multiple financial account application requested, have had at least one account closed for cause, have a less established or non-existent credit history, have one or more repossessed or charged-off trade lines, have one or more repossessed or charged-off trade lines, have one or more open trade lines that are thirty (30) to eighty (80) days delinquent, and/or have had more derogatory items than average over the past three years. The score or scores are returned to the application serves for processing and comparison with the financial institutions' policy rules and guidelines.

In short, Elliot does not describe how all these code factors interact and how each code adds upon another to reach a total or average as in the subject.

E. CONCLUSION

In conclusion, Applicant maintains that the subject application is ready for allowance as to amended claims 1, 2, 3, 4, 5, 6, 7, 8 and 9.



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CERTIFICATE OF MAILING

Certification is made that the foregoing response and amendment was mailed to the commissioner of Patents and Trademarks, U.S. Patent Office, P.O. Box 1450, Alexandria, Virginia 22313-1450 with mailing being made on April, 25, 2007 by U.S. Postal Service by way of U.S. Postal Service Express Mail Number EQ - 86255086 U.S. ON April 25, 2007



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